

ABSTRACT

Eka Hadi Styaningsih, Student ID Number 10220046, 2014, *Review the Article 29 of Sharia Economic Law Compilation to the Food Sale Without the Price Inclusion at Restaurants in Balikpapan City*, Thesis, Sharia Business Law Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang, Supervisor: Dr. M. Nur Yasin, M.Ag.

Key Words: KHES, Sale, Without the Price Inclusion

With age progress, world trade is increasingly experiencing its own motifs, for example in terms of buying and selling food that does not list the price as has happened in Balikpapan. It could be said this purchase as an element of disguise, because of the lack of price transparency in the execution of the sale and purchase, which resulted in the cancellation of the contract due to failure to achieve the element of willingness. In fact has been described in Article 29 KHES, that the valid requirements of a contract that is covenants in the agreement, does not contain elements of ghalath or mistake, conducted under ikrah or coercion, deception or taghrir, and ghubn or disguise.

These phenomenon, can be taken three formulation of problems are how the implementation of the sale and purchase of food in Balikpapan Restaurant, what the background factors does not include the price of food in the list menu in Balikpapan Restaurant, and how to review Article 29 KHES to purchase food without the inclusion of the price in Balikpapan Restaurant.

The type of this research is an empirical research using a qualitative approach. Source of data used is primary data and secondary data, by using the method of collecting data by observation, interviews, and documentation. Then the methods used to analyze the data using descriptive qualitative method.

Based on the research results, it can be concluded that the implementation of the sale and purchase of food without the inclusion of prices in Balikpapan does not fulfill the principles of contract that is *luzum*/unchanged and the principles of transparency because the contract should conducted with clear objectives and openly careful calculation, so avoid the practice of speculation and gambling. the background factors leading it does not include the price of food in menu list at Balikpapan Restaurant due to the lack of transparency of food prices, and the absence of binding regulations, resulting in a lack of government's role in the socialization of the Regional Regulation Act. Whereas review of Article 29 KHES to sale and purchase food without the inclusion of prices in Balikpapan Restaurants is allowed, because it has become a habit/custom in the community that is difficult to avoid, as long as not contrary to Sharia law. Reinforced by Article 78 and Article 81 KHES, that in the process of sale and purchase is usually included everything according to local custom commonly applicable in the goods sold, although not specifically listed, and procedures shall take into account the handover of goods customs and propriety society.